

GARRITY RIGHTS/WARNING

The Fifth Amendment to the U.S. Constitution provides that no person shall be compelled in any criminal case to be a witness against himself/herself. This means that a person may not be required or coerced to disclose any information that he/she reasonably believes may be used (or lead to other evidence that may be used) in a criminal prosecution against him/her.

- If a person is coerced into disclosing information, that information is not admissible in court against him/her.
- In addition to the basic Fifth Amendment rights, Postal Service employees have additional rights under the Fifth Amendment as public sector employees. These workplace rights arise because in the public sector the government acts as both law enforcement agency and employer.
- Developed through a series of United States Supreme Court cases beginning in 1966, these rights are generally known as “**Garrity Rights**,” after the Supreme Court's decision in *Garrity v. New Jersey*, 385 US 493 (1967).
- In that case, several New Jersey police officers were targeted during an internal investigation of ticket fixing. The officers were told that they must respond to questions during the investigation or face discharge for insubordination. In order to keep their jobs, the officers complied and answered the questions. The statements made by the officers were then used in criminal prosecutions against them.
- In overturning the convictions, the Supreme Court held that threatening the police officers with discharge was coercive -- in violation of the Fifth Amendment.
- This case now stands for the principle that using the threat of discharge or any other substantial economic penalty against public sector employees during an investigation of potentially criminal matters is coercive and that any consequent disclosure is inadmissible in a criminal trial of the employee.